

**AN ORDINANCE BY:
FINANCE/EXECUTIVE COMMITTEE**

03-0-0127

**AN ORDINANCE AMENDING BY SECTION 19-1014(c)
AND 19-1014(e) OF THE ATLANTA CITY CODE FOR
THE PURPOSE OF EXTENDING THE DATE BY
WHICH PRE-ORDINANCE IMPACT FEE CREDITS
MUST BE UTILIZED BY THOSE PERSONS TO WHOM
SUCH CREDITS WERE ISSUED; AND FOR OTHER
PURPOSES.**

WHEREAS, on March 18 1993, the City Council of the City of Atlanta passed Ordinance 92-O-1817 which imposed the City of Atlanta Development Impact Fee Ordinance (the "Impact Fee Ordinance") to regulate the use and development of land such that new growth and development would bear a proportionate share of the cost of public facilities needed provide services; and

WHEREAS, on March 26, 1993, the Impact Fee Ordinance became effective by operation of law; and

WHEREAS, the Impact Fee Ordinance, as now codified in Section 19-1001 *et seq* of the Atlanta City Code, also allowed for credits against future impact fees to be given for the construction, contributions or dedications by developers which had occurred prior to the effective date of the Impact Fee Ordinance ("pre-ordinance credits"); and

WHEREAS, pre-ordinance credits were given only for those projects, which involved the construction, contributions or dedications of improvements that provided additional public facilities needed to serve new growth and development; and

WHEREAS, the Impact Fee Ordinance required that pre-ordinance credits granted for construction, contributions or dedications of improvements that provided additional public facilities be applied for prior to April 1, 1994 such that the amount of such pre-ordinance credits is now fixed and cannot be increased; and

WHEREAS, the Impact Fee Ordinance provided that the pre-ordinance credits must be used within ten years of the effective date of the Impact Fee Ordinance, which date is March 26, 2003; and

WHEREAS, the Department of Planning and Neighborhood Development desires time to review the policies related to the expiration of pre-ordinance credits prior to their expiration;

**THE CITY COUNCIL OF THE CITY OF ATLANTA GEORGIA HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1: That Section 19-1014(c) of the Atlanta City Code be and is

amended by adding a new subsection (5) which shall state:

- (5) The time for persons entitled to a pre-ordinance credit for construction, contributions or dedications pursuant to subsection 19-1014(e), and limited by subsection 19-1014(c)(3) to 10 years from the effective date, is extended for one (1) additional year.

SECTION 2:

That Section 19-1014(e) of the Atlanta City Code be and is amended by adding a new subsection (4) which shall state:

- (5) The time for the director to deduct from the present value of the development impact fee the present value of the development impact fee that would have been charged for buildings or improvements within the project had this chapter been in effect on the date that the building permit(s) for construction of said buildings or improvements was filed and which is limited by subsection 19-1014(e)(4) to permits filed prior to 10 years from the effective date is extended for one (1) additional year.